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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,950	10/15/2004	Thomas Robieu	A92185	5949
30008 7590 11/03/2008 GUIDRUN E. HUCKETT DRAUDT SCHUBERTSTR. 15A WUPPERTAL, 42289 GERMANY				
EXAMINER				
CHUKWURAH, NATHANIEL C				
ART UNIT		PAPER NUMBER		
3721				
MAIL DATE		DELIVERY MODE		
11/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte*: THOMAS ROBIEU AND JEAN-CLAUDE MARET

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Application No. 10/711,950  
Technology Center 3700

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Mailed: November 3, 2008

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Before KRISTA ZELE *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 9, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**APPEAL BRIEF, GROUNDS OF REJECTION**

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed March 12, 2007, under the heading “Grounds Of Rejection To Be Reviewed On Appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bidanset (US 3,982,616) in view of Shultz (US 5,503,261). Appellant(s) have not indicated the grounds of rejection of this claim. Correction of the Grounds of rejection to be reviewed on appeal for **all** claims is required.

**APPEAL BRIEF, ARGUMENTS**

A review of the file finds that the arguments with respect to each grounds of rejection as provided in the Appeal Brief filed March 12, 2007 and May 24, 2007, under the heading “Argument” have not been clearly provided. Each grounds of rejection must be treated under a **separate heading** in accordance with 37 CFR 41.37(c)(1)(vii). Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number.

Appellant has not provided the necessary headings and/or subheadings for arguments which correspond to each grounds of rejection. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

The rejection of claim 24 has not been argued.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) to hold the Appeal Brief filed on March 12, 2007, defective;

2) notify Appellant to file a paper properly addressing the Grounds of Rejection of all claims and to address the arguments for each grounds of rejection as required;

3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/dpv/dw

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